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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,296	06/26/2001	David Eatough	3408.2.16	2361

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EXAMINER	
CHOUDHURY, AZIZUL Q	
ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/892,296	EATOUGH ET AL.	
	Examiner	Art Unit	
	AZIZUL CHOUDHURY	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on November 9, 2007.

Claim Rejections - 35 USC § 112

Claims 1, 4, 7, 9, 12, 15 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims have been amended to now have multicast and unicast messages, communicated "directly from said server computer." The sections of the specifications cited by the applicant do not support "direct" communication between servers and clients as claimed. In addition, traditional networks require intermediary devices (i.e. routers, gateways, other servers, etc) between the server and client(s), communicating with one another.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farinacci et al (US Pat No: 5,519,704) in view of Tseung (US Pat No: 5,036,518), hereafter referred to as Farinacci and Tseung, respectively.

1. As to Claims 1, 4, and 7, Farinacci teaches through Tseung: Receiving, by a server computer, a request to perform a task for a plurality of computers over a network (column 5, lines 50-53), wherein the task comprises installing a software application or updating a software application (column 40, lines 51-66, Tseung); Performing said task using a multicast message communicated directly from said server computer over said network, wherein the performance of said task is triggered by an event occurring on said server computer or said network (column 5, lines 55-57); Updating a task status table by said server, wherein said task status table indicates whether said task has been completed for each said plurality of computers; Receiving, by said server computer, a request to complete said task from a first computer (see column 5, lines 53-55); Determining whether said task was completed for said first computer using said task status table (see column 5, lines line 60-63); Performing said task using a unicast message communicated directly from said server computer over said network to said first computer in accordance with said determination (see column 5, lines 64-67); and Updating said task status table, indicating whether said task has been completed for said first computer

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the tasks software updates and installs and doesn't teach the status table and also does not teach the tasks being triggered by events. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). In addition, means by which to maintain the status of tasks in a computing device that is handling tasks is obvious and well known in the art. Tseung teaches how the retransmission station maintains data structures (table) to keep track of the status of messages (tasks or program transmissions) to different recipients (Figure 40 and column 18, lines 16-47, Tseung). For instance, it can record if there are crc errors. When no errors are left, it is known that the messages have been transmitted completely and correctly (column 36, line 21- column 37, line 15, Tseung). Plus, Tseung teaches how events trigger tasks as claimed (see column 18, lines 59-67; column 19, lines 21-56; column 22, lines 19-32; column 23, line 53 – column 24, line 19; and column 26, line 32 – column 27, line 5; Tseung) Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

2. As to Claims 2, 5 and 13, Farinacci teaches through Tseung: Wherein said determining whether said task was completed for said first computer comprises: Receiving an identifier for said first computer; Searching a task status table using said identifier; Retrieving a status indicator associated with said identifier; and Determining whether said task was completed for said first computer using said status indicator (see column 2, lines 57-63).

   (While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

3. As to Claims 3, 6, 8, and 11, Farinacci teaches through Tseung: Wherein said receiving said request to complete said task from said first computer comprises: Determining whether said first computer is in communication with said network;

and Sending said request to complete said task from said first computer (see column 53-55).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

4. As to Claim 9, Farinacci teaches through Tseung: A storage medium: Said storage medium including stored instructions that, when executed by a processor, result in receiving, by a server computer, a request to perform a task for a plurality of devices over a network (see column 5, lines 50-53), performing said task using a multicast message communicated directly from said server computer over said network, wherein the performance of said task is triggered by an event occurring on said server computer or said network (see column 5, lines 55-57), receiving, by said server computer, a request to complete said task from

at least one device (see column 5, lines 53-55), determining whether said task was completed for said at least one device, and performing said task using a unicast message communicated directly from said server computer over said network to said at least one device in accordance with said determination (see column 5, lines 60-67), wherein the task comprises copying a file, installing a software application or updating a software application (column 40, lines 31-66, Tseung)).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the tasks of software updates and installs and doesn't teach the status table and also does not teach the tasks being triggered by events. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). In addition, means by which to maintain the status of tasks in a computing device that is handling tasks is obvious and well known in the art. Tseung teaches how the retransmission station maintains data structures (table) to keep track of the status of messages (tasks or program transmissions) to different recipients (Figure 40 and column 18, lines 16-47, Tseung). For instance, it can record if there are crc errors. When no errors are left, it is known that the messages have been transmitted completely and correctly (column 36, line 21- column 37, line

15, Tseung). Plus, Tseung teaches how events trigger tasks as claimed (see column 18, lines 59-67; column 19, lines 21-56; column 22, lines 19-32; column 23, line 53 – column 24, line 19; and column 26, line 32 – column 27, line 5; Tseung) Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

5. As to Claim 10, Farinacci teaches through Tseung: Wherein the stored instructions, when executed by a processor, further result in determining whether said task was completed for said at least one device by receiving an identifier for said at least one device, searching a task status table using said identifier, retrieving a status indicator associated with said identifier, and determining whether said task was completed for said at least one device using said status indicator (see column 2, lines 57-63).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

6. As to Claim 12, Farinacci teaches through Tseung: A storage medium; Said storage medium including stored instructions that, when executed by a processor, result in receiving, by a server computer, a request to send information to a plurality of devices (see column 5, lines 50-53), sending said information, directly from said server computer, to said plurality of devices using a broadcast message, wherein sending of said information is triggered by an event occurring on said server computer or said network (see column 5, lines 55-57), receiving a request for said information from at least one device (see column 5, lines 53-55), determining whether said at least one device received said information, and sending said information, directly from said server computer, to said at least one device using a unicast message in accordance with said determination, and updating said task status table, wherein said task status table comprises a status indicator indicating whether said information has been received by said at least one device (see column 5, lines 60-67).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the tasks of software updates and installs and doesn't teach the status table and also does

not teach the tasks being triggered by events. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). In addition, means by which to maintain the status of tasks in a computing device that is handling tasks is obvious and well known in the art. Tseung teaches how the retransmission station maintains data structures (table) to keep track of the status of messages (tasks or program transmissions) to different recipients (Figure 40 and column 18, lines 16-47, Tseung). For instance, it can record if there are crc errors. When no errors are left, it is known that the messages have been transmitted completely and correctly (column 36, line 21- column 37, line 15, Tseung). Plus, Tseung teaches how events trigger tasks as claimed (see column 18, lines 59-67; column 19, lines 21-56; column 22, lines 19-32; column 23, line 53 – column 24, line 19; and column 26, line 32 – column 27, line 5; Tseung) Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

7. As to Claim 14, Farinacci teaches through Tseung: Wherein the stored instructions, when executed by a processor, further result in receiving a request

for said information by connecting said at least one device to said network and sending said request for said information from said at least one device (see column 5, lines 60-67).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

8. As to Claim 15, Farinacci teaches through Tseung: A storage medium; said storage medium including stored instructions that, when executed by a processor, result in receiving, by a server computer, a request to perform a task for a plurality of devices over a network (see column 5, lines 50-53), performing said task using a multicast message communicated directly from said server computer over said network, wherein the performance of said task is triggered by an event occurring on said server computer or said network (see column 5, lines

55-57), receiving, by said server computer, a request to complete said task from at least one device (see column 53-55), searching a task status table using an identifier, retrieving a status indicator associated with said identifier, determining whether said task was completed for said at least one device using said status indicator (see column 2, lines 57-63), and performing said task using a unicast message communicated directly from said server computer over said network to said at least one device in accordance with said determination (see column 5, lines 60-67), wherein the task comprises installing a software application or updating a software application (column 40, lines 31-66, Tseung).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the tasks of software updates and installs and doesn't teach the status table and also does not teach the tasks being triggered by events. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). In addition, means by which to maintain the status of tasks in a computing device that is handling tasks is obvious and well known in the art. Tseung teaches how the retransmission station maintains data structures (table) to keep track of the status of messages (tasks or program transmissions) to different recipients (Figure 40 and column 18, lines 16-47, Tseung). For instance, it can record if

there are crc errors. When no errors are left, it is known that the messages have been transmitted completely and correctly (column 36, line 21- column 37, line 15, Tseung). Plus, Tseung teaches how events trigger tasks as claimed (see column 18, lines 59-67; column 19, lines 21-56; column 22, lines 19-32; column 23, line 53 – column 24, line 19; and column 26, line 32 – column 27, line 5; Tseung) Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

9. As to Claim 16, Farinacci teaches through Tseung: Wherein the stored instructions, when executed by a processor, further result in receiving said request to complete said task from at least one device by connecting said at least one device to said network, and sending said request to complete said task from said at least one device (see column 5, lines 60-67).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

10. As to Claim 17, Farinacci teaches through Tseung: A server, said server having a task handler module to manage complete of a task for a plurality of target devices using a multicast message communicated directly from said server, wherein the task comprises installing a software application or updating a software application and wherein performance of said task is triggered by an event occurring on said server (column 40, lines 51-66, Tseung); a plurality of target devices, said plurality of target devices each having a task finisher module to request completion of said task if uncompleted, wherein the task finisher module is configured to install or update applications; and A network to communicate information between said server and said plurality of target devices to complete said task (see column 4, lines 40-47).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the tasks of software updates and installs and doesn't teach the status table and also does not teach the tasks being triggered by events. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The

disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). In addition, means by which to maintain the status of tasks in a computing device that is handling tasks is obvious and well known in the art. Tseung teaches how the retransmission station maintains data structures (table) to keep track of the status of messages (tasks or program transmissions) to different recipients (Figure 40 and column 18, lines 16-47, Tseung). For instance, it can record if there are crc errors. When no errors are left, it is known that the messages have been transmitted completely and correctly (column 36, line 21- column 37, line 15, Tseung). Plus, Tseung teaches how events trigger tasks as claimed (see column 18, lines 59-67; column 19, lines 21-56; column 22, lines 19-32; column 23, line 53 – column 24, line 19; and column 26, line 32 – column 27, line 5; Tseung) Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

11. As to Claim 18, Farinacci teaches through Tseung: Further comprising a task handler module for each of said plurality of target devices to complete said task for said plurality of target devices (see column 4, lines 40-47).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

Response to Remarks

The amendment received on November 9, 2007 has been carefully examined but is not deemed fully persuasive. The applicant's arguments are all directed towards two principle arguments. The first principle argument involves the claim feature, "receiving, by a server computer, a request to perform a task for a plurality of computers over a network." The applicants contend that neither prior art teach such features. The examiner disagrees because, when updates are sent through multicast as claimed and taught by both prior arts, tasks for a plurality of computers over a network are requested and performed. Farinacci teaches use of multicast in at least column 5, lines 55-57. Tseung teaches the use of multicast in at least column 33, lines 60-62 and column 40, lines 51-66. The second principle argument involves the newly claimed feature to now have multicast and unicast messages, communicated "directly from said server

computer." The sections of the specifications cited by the applicant do not support "direct" communication between servers and clients as claimed. In addition, traditional networks require intermediary devices (i.e. routers, gateways, other servers, etc) between the server and client(s), communicating with one another. Therefore a 112-type enablement rejection has been issued.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145